

# SENATE BILL REPORT

## SB 5880

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 18, 2009

**Title:** An act relating to flexibility in the education system.

**Brief Description:** Providing flexibility in the education system.

**Sponsors:** Senators McAuliffe, Oemig, Hobbs and McDermott.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/05/09, 2/18/09 [DPS, DNP, w/oRec].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King, Ranking Minority Member; Brandland, Hobbs, Jarrett and McDermott.

**Minority Report:** Do not pass.  
Signed by Senator Tom.

**Minority Report:** That it be referred without recommendation.  
Signed by Senator Holmquist.

**Staff:** Kimberly Cushing (786-7421)

**Background:** Title 28A of the Revised Code of Washington encompasses the laws related to the common schools and establishes the organizational structure of the common school system. ("Common schools" are public schools operating a program for kindergarten through twelfth grade or any part thereof.) Separate chapters define the roles and responsibilities of the Superintendent of Public Instruction (SPI), the State Board of Education (SBE), educational service districts (ESDs), and school districts. Other chapters of Title 28A define requirements for health screening and requirements, traffic safety, compulsory school attendance and admission, compulsory course work and activities, awards, and academic achievement and accountability.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Over the years, school districts have asked the Legislature ease the burden that state mandates have placed on public schools. Deregulation may provide school districts with the flexibility to reallocate resources, personnel, materials, and training time.

**Summary of Bill (Recommended Substitute):** The following laws in Title 28A RCW relating to training, task forces, health mandates, and educator awards are repealed, suspended for two years, or partially amended.

The following programs or requirements established by law are each repealed:

- A vocational agriculture education service area in the Office of the Superintendent of Public Instruction (OSPI) which must assess needs, develop in-service programs, and establish an advisory task force committee of agriculturalists.
- An advisory committee must develop a model policy on access to nutritious foods and the development of a physical education and fitness curriculum for students; mandate that by 2010 all districts must have school health advisory committees; only healthy food and beverages must be provided by schools during school hours or for school-sponsored activities; all students in grades one through eight must have at least 150 minutes of quality physical education (PE) every week; and PE must be conducted by appropriately certified instructors.
- SPI must appoint a substance abuse advisory committee comprised of specified representatives.

The following programs or requirements established by law are suspended until July 1, 2011:

- The financial literacy public-private partnership includes four members of the Legislature.
- The task force on gangs in schools works under the guidance of OSPI's school safety center, the school safety center advisory committee, and the Washington Association of Sheriffs and Police Chiefs.
- SPI must review current policies and assess the adequacy of program for children with incarcerated parents and adopt additional policies. SPI must gather information and data on these children and participate in the Children of Incarcerated Parents Advisory Committee.
- SPI must establish an annual award program, providing monetary awards of at least \$2,500 for 35 teachers, 15 classified staff, five principals or administrators, one superintendent, and one school board member.
- The PESB must establish an annual grant award of up to \$2,500 to recognize teacher educators. The grant goes to the institution where the educator teaches.

The following laws are amended:

- OSPI may consider offering training for child abuse and neglect every four years. It is clarified that this does not apply to new employees who must receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff.
- SPI must collect and disseminate to districts information on child abuse and neglect prevention curriculum and adopt rules for the prevention of child abuse for

- curriculum use. Providing online access to this information is sufficient, unless a parent specifically requests the information in writing.
- OSPI must not require annual training in conflict resolution and other violence prevention topics. The training may be offered every four years.
  - Beginning in 2011, CISL must (1) develop and implement a process for identifying effective programs that teach elementary students to read and consult primary education teachers and others; and (2) provide, upon request, online information about its findings on effective elementary reading programs.
  - To the extent funds are available, every school district must provide free instruction in lip reading to children and adults disabled by defective hearing whenever it appears to be in the best interests of the school district and the adults concerned.
  - A school district's sexual harassment policy must be provided online to each employee. OSPI must not require annual training to address sexual harassment policies. Beginning in 2011, training may be offered every four years.
  - To the extent funds are available, public school districts must comply with high-performance public buildings requirements. All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol, only to the extent federal or state funds are available.
  - SPI must reduce the annual school bus driver training burden on local school districts. To the extent possible, training must be online and no more than once every two years.
  - Each school district must have a written policy prohibiting the use of tobacco products on public school property, but the districts no longer have to notify students and school personnel of this policy nor post signs prohibiting the use of tobacco products.
  - To the extent possible, in-service training for treating students with asthma must be offered online and no more than once every three years.
  - To the extent possible, the training course for responding to a student who may be experiencing anaphylaxis must be offered online and no more than once every three years.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute):** The following programs or requirements that had been repealed under the original SB 5880 are now removed:

- The Legislative Youth Advisory Council examines issues of importance to youth.
- Employees who perform health services are required to have a job description that lists all of the health services they may have to perform.

The following programs or requirements that had been suspended until July 1, 2011, or were amended are now removed from the bill:

- The Center for the Improvement of Student Learning (CISL), which serves as a clearinghouse for information regarding educational improvement and parental involvement programs, provides best practices research, training, and consultation services, and the requirement for CISL to report annually to the SPI, SBE, the Governor, the P-20 council, and the Legislature on the implementation strategies to address the achievement gap for African-American students.

- The members of the boards of directors of Washington's school districts are no longer required to become members of the Washington School Directors' Association (WSSDA). WSSDA dues for only the member school districts are payable on the first day of January.
- Each ESD must establish a Center for the Improvement of Teaching and an Improvement of Teaching Coordinating Council.
- Student teaching centers must be established by the Professional Educator Standards Board (PESB) from appropriated funds to support the continuing development of the field-based component of teacher preparation programs.
- Districts must provide individual health plans and policies for students with diabetes and designate a professional to consult and coordinate with the students' parents and health care providers and train and supervise the appropriate school district personnel. A district, employee, agent, or parent-designated adult who complies with a student's individual health plans for diabetes must not be liable in any criminal action or for civil damages.

The following program that had been amended is now repealed:

- SPI must appoint a substance abuse advisory committee comprised of specified representatives.

The following requirement is amended:

- OSPI may consider offering training for child abuse and neglect every four years. It is clarified that this does not apply to new employees who must receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff.

The following requirements were added:

- SPI must collect and disseminate to districts information on child abuse and neglect prevention curriculum and adopt rules for the prevention of child abuse for curriculum use. Providing online access to this information is sufficient, unless a parent specifically requests the information in writing.
- An emergency clause was added, directing the act to take effect immediately.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony on Original Bill:** PRO: The Legislature promised to remove unfunded mandates in House Bill 1209 in 1993. This bill was created from lists received from school districts, ESDs, and other local groups. Flexibility and innovation is unique to local districts, and in these difficult budget times the state cannot say these mandates are good for everyone. While the bill as written has not been completely vetted and is not ready to be passed into law, the direction the bill is headed, as well as the ensuing discussions, are welcome. It is critical to preserve statutes dealing with student achievement,

civil rights, health, safety, and federal funding. Agency regulations should be added. The maintenance and food nutrition people are ready to work with the Legislature.

CON: WSSDA has concerns about amending its membership statutes. The nurses, early learning community, and sexual assault coalition want to offer their expertise on related programs. School health services must be delivered in public schools. Thus, the suspension of health plans for students with diabetes and repealing the requirement that employees who perform health services must have a job description are a concern. People who have worked hard on bills don't have lobbyists to testify on these issues. We pass laws to make the few who will not do the right thing, even if told. Suspensions will cause confusion. If we are concerned about costs, put a moratorium on the WASL.

OTHER: This is not a specific unfunded mandate issue, but rather an underfunding issue overall. The challenges are the unintended consequences – such as which child will miss out on a part of their education when a program is suspended. Use the principal as a filter, if a principal does not know about the mandate, it probably is not needed.

**Persons Testifying:** PRO: Senator McAuliffe, prime sponsor; John Altman, OSPI; Barbara Mertens, Washington Association of School Administrators; Dan Steele, WSSDA; Mitch Denning, Alliance of Education Association.

CON: Lonnie Johns-Brown, School Nurse Organization for Washington; Doug Nelson, PSE/SEIU 1948; Christie Perkins, Washington State Special Education Coalition.

OTHER: Lucinda Young, Washington Education Association; Jerry Bender, Association of Washington School Principals.